Saskatchewan
Government
Relations

BUILDING A SUSTAINABLE FUTURE

THE PLANNING AND DEVELOPMENT ACT REVIEW

A SUMMARY OF STAKEHOLDER DISCUSSIONS

SEPTEMBER 2006

PREPARED BY
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http://www.municipal.gov.sk.ca/div/cpb/ongoingpandactreview.html

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- Lorne Sully, Manager, City Planning Branch, City of Saskatoon
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- City of Weyburn
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- Lloydminster Planning District
- National Farmers Union
- RM of Blucher
- RM of Loreburn
- Rural Municipal Administrators' Association of Saskatchewan
- Saskatchewan Home Builders' Association
- Saskatchewan Surface Rights Association
- SaskPork
- Town of Meadow Lake
- RM of Corman Park
- City of Saskatoon

"To effectively communicate, we must realize that we are all different in the way we perceive the world and use this understanding as a guide to our communication with others." -Anthony Robbins

THANK YOU

Executive Summary

Saskatchewan Government Relations (GR) initiated a stakeholder review of *The Planning and Development Act*, 1983 (the Act) in 2005. This document is presented as a summary of discussions with a multi-interest stakeholder Review Committee and the input of citizens from around the province that attended open houses and provided their opinions through our questionnaire.

The Act review process has centred around five themes related to sections of the Act:

- Municipal Authority
- Public Participation
- Inter-jurisdictional Planning
- Provincial Interests
- Subdivision

Discussions with the Review Committee resulted in a Draft Summary of Stakeholder Discussions: Building a Sustainable Future that included a series of "Considerations." These considerations were drafted by Government Relations as a reflection of the needs identified by the committee; they did not necessarily reflect the opinion of the department of Government Relations.

The considerations were presented in a questionnaire that was made available to the public from May to August 2006. The results of the questionnaire are appended to this report. Overall, the public indicated agreement with the considerations outlined by the Review Committee.

In August 2006, stakeholder discussions, written submissions and the results from the questionnaire were reviewed in whole and the following summary statements were developed to broadly reflect the input on each of the five themes:

Municipal Authority:

- Provincial and municipal interests for planning must be coordinated and clarified. This will contribute to meeting social, cultural, economic, and environmental goals at the local level.
- Planning legislation must accommodate the different needs of all municipalities, including the north with its unique issues and challenges.
- Municipal councils should continue to have authority for local land use decisions.
- Municipalities can support community development by adopting planning bylaws and applying them consistently.
- Training, programs, and funding will be required to enable municipalities to implement their planning responsibilities.

Public Participation and Accountability:

- Public participation involves engaging a community in ongoing discussions of its goals, objectives and development opportunities.
- Public participation is essential to planning and decision-making processes, and is a shared responsibility.
- Planning and decision-making processes must be open and transparent, and decision-makers must be accountable.
- Mediation or dispute resolution services should be available to municipal councils.

Inter-jurisdictional Planning:

- Inter-jurisdictional planning offers municipalities opportunities to jointly develop planning bylaws, share resources, and share the costs and benefits of development. It facilitates the development of communities locally and regionally.

- Inter-jurisdictional planning will be enhanced with the inclusion and participation of First Nations and Métis peoples.
- There is a need for training and provincial financial support for inter-jurisdictional planning.

Provincial Interests:

- Statements of Provincial Interest would guide municipalities, developers, and industry to meet the social, cultural, economic, and environmental goals of Saskatchewan communities.
- Planning processes and decision making may be supported by the application of general planning principles that express the intent of provincial interests.
- Municipalities should have flexibility in applying Statements of Provincial Interest.

Subdivision:

- Planning processes must be streamlined and timely, but thorough. The current subdivision review process generally meets these criteria.
- The Act needs to be clear in how planning tools may be used by municipalities and developers to encourage orderly development with appropriate service delivery.
- The Act should provide municipalities with some flexibility in the application of planning tools to address local circumstances.

The input collected throughout the consultations process has guided the drafting of the proposed provisions for the new Planning and Development Act and will be considered in the policy and programming efforts associated with implementation of the new legislation.

The presentations, discussion papers, questions, meeting summaries, questionnaire results, and the Review Committee participants from the consultation process may be viewed at: http://www.municipal.gov.sk.ca/div/cpb/ongoingpandactreview.html

Questions may also be directed to:

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Introduction

Purpose of this Document

Saskatchewan Government Relations (GR) initiated a stakeholder review of *The Planning and Development Act*, 1983 (the Act) in 2005 to revitalize the planning system to support sustainability and community growth in the province. An extensive consultation process was launched in September 2005, with a view to gathering input from citizens around the province interested in planning and development for the purpose of developing enabling legislation.

Presented here is an overview of the consultations and the considerations that were generated relating to policy, programming, and legislative reform along with an indication of the public support for these considerations based on a questionnaire that was provided to the public from May to August 2006.

The Act review was initiated in response to requests by municipal, business, and community stakeholders who expressed that the legislation must become more responsive to both local and global challenges. These stakeholders see a need for municipalities to recognize the significant authority that has been granted to them, and to use this authority for fostering economic development within their local area. From a broader perspective, there is an opportunity for communities to engage in planning to address the challenges related to community infrastructure, social and cultural vitality, public health and safety, environmental protection, and economic development.

In addition to the needs identified by the stakeholders, the province established six goals at the outset of the Act review that reflected current provincial priorities:

1. Enable economic and community development to create an innovative, prosperous, diversified, and sustainable economy.
2. Enhance the tools for municipalities to conduct planning and foster a partnership relationship between the province and municipalities.
3. Enable additional inter-municipal and regional approaches to planning to broaden perspectives and understanding.
4. Identify provincial interests to provide a framework for community planning, and to ensure broad public interests are protected.
5. Support provincial and federal initiatives such as the Safe Drinking Water Strategy, the Green Strategy, the recommendations of the Action Committee on the Rural Economy, the Saskatchewan Association of Rural Municipalities' "Clearing the Path" (CTP) initiative, and the federal "New Deal".
6. Address stakeholders' requests for amendments that were deferred from previous consultations that resulted in amendments in 2005.

Copies of all the presentations, discussion papers, questions, meeting summaries, attendees, and the questionnaire can be viewed at: http://www.municipal.gov.sk.ca/div/cpb/ongoingpandactreview.html.

To assist readers in understanding technical and planning references, a glossary has been provided at the end of this document.

Responsibility for Community Planning in Saskatchewan

The Act grants municipalities the legal authority and management tools to carry out community planning through the adoption of bylaws. Municipal councils

have the authority to set policies to govern virtually every aspect of development within their community through basic planning statements or development plans and zoning bylaws.

Councils currently have the authority to prepare growth management strategies and community development plans for encouraging, fostering, and coordinating community interests in:

- economic development
- social, cultural and recreational
- housing
- land use
- transportation
- infrastructure planning
- fire and policing
- environmental protection
- municipal programming matters that impact the residents and municipal services

In addition to this authority, the Act provides mechanisms for voluntary inter-municipal cooperation through planning districts while maintaining the municipal authority and autonomy of each participating council. As well, important public participation processes are included for obtaining community feedback and support, as councils make decisions that affect the community's future.

The Act also recognizes the importance of linking and coordinating local and provincial policies and initiatives to foster community development.

But more than this, the Act is about municipalities and communities building together a long-range vision of sustainability for the cultural, economic, social, and environmental components of a community.

The Community Planning Branch of the department of Government Relations oversees planning activities and the administration of *The Planning and Development Act, 1983*. The Act gives the province the responsibility for:

- approving municipal planning bylaws and amendments, to ensure that proper procedures were followed and the bylaw is consistent with provincial interests;
- approving subdivisions (for all municipalities except 10 cities where approving authority has been delegated);
- providing advisory planning services and technical assistance, particularly to municipalities that do not have professional community planners; and
- establishing provincial interests to strike a balance between municipal and provincial responsibilities for sustainable economic, environmental, social and cultural community planning.

Planning Challenges

Planning legislation has been in place since the first Town Planning Act of 1917. Broad in scope, planning and development legislation has provided authority to local councils to regulate the use and development of land. Changing demographics, global markets, resource issues, and financial limitations are just a few of the issues that challenge communities to not only respond to today's concerns, but to plan for tomorrow. Unfortunately, planning is often responsive, occurring when developers come knocking on the door. Communities may not have up-to-date development plans or zoning bylaws. In some cases, they may not have any planning tools, thereby limiting their ability to participate in development decisions.

Stakeholders have challenged government to respond to a number of planning and development issues through the Act review process. Balancing competing interests and ensuring adequate resources are fundamental issues. Economic, social, and environmental objectives often appear at odds, as governments and communities consider development scenarios that appear to conflict. Stakeholders have expressed concern about the need to preserve the family farm way of life, the need for protection of environmentally-sensitive land and water resources, and the importance of supporting energy conservation. Despite the apparent "authority" that municipalities have, many feel powerless to respond to these issues.

Developers on the other hand, have expressed concern about the lack of clarity in municipal planning documents, the timeliness of decision making, changing development agendas, and the apparent misunderstanding of a municipality's discretionary use of authority. In addition, they have stressed the need to minimize the cost of development.

Resource limitations are real pressures for many municipalities. The lack of municipal capacity for planning and lack of resources for implementation by smaller jurisdictions are major barriers to moving forward with a proactive planning agenda. The province, however, is not in a position to address these issues single-handedly and municipalities may explore partnerships to share planning resources and technical expertise. These partnerships may logically translate into shared revenues, joint infrastructure projects, and potential development opportunities. Groups of communities in Saskatchewan, like Action South West, WaterWolf, and the Regina Regional Economic Development Authority (REDA), have already begun to take this approach. Together they are considering resource use, infrastructure sharing, and exploring development opportunities from tourism to feedlots.

Image courtesy of Tourism Saskatchewan

Fly fishing, southern Saskatchewan

Stakeholders Consultations

Consultations with stakeholders began on September 13, 2005, to seek ideas and approaches for investing in the future of our communities. GR invited more than 250 stakeholders; over 90 attended the first meeting.

Presentations highlighted the opportunity for the Act to facilitate healthy, prosperous, sustainable communities. Participants were divided into groups to discuss basic planning issues and were asked what is needed to support community planning. Participants identified:

- An attitude for change
- Support for local initiatives
- Planning capacity
- Resources
- Leadership
- Improved training for councillors
- Clear statements of provincial interests
- Inter-jurisdictional cooperation
- Clear and consistent rules

The discussions further focused on the Act's five community planning themes:

- Municipal Authority
- Public Participation and Accountability
- Inter-jurisdictional Planning
- Provincial Interests
- Subdivisions

Those invited to the September 13th meeting were asked to identify if they would participate on a standing multi-stakeholder Review Committee.

The Committee, of approximately 25, representing diverse interests in community planning (see appendix one), met regularly over the fall and winter to talk about the five themes and to:

- Review theme papers
- Discuss implementation
- Review final considerations for enabling policy, programming, and legislation.

Discussions were aimed at understanding which municipal planning tools are working, how processes can be more responsive and efficient, and how the Act might be amended to meet the needs and challenges of our communities for the future.

A meeting was also held on February 16, 2006, to discuss specific amendment requests that had been put forward by the municipal planning directors and home builders.

Consultations continued throughout the spring and summer of 2006 with a series of open houses that were intended to:

- provide information on the Act review
- present the draft summary of stakeholder discussions: *Building a Sustainable Future* and the "Considerations" that were presented in the questionnaire
- provide an opportunity for individuals, groups, or organizations to discuss the Act and the stakeholder summary report
- highlight the opportunity for public input through the questionnaire until July 31, 2006
- raise the awareness of community planning as a tool to stimulate community development and economic growth in keeping with provincial goals and initiatives

"What We Heard" From Stakeholders

Stakeholder meetings, open houses and the questionnaire were all designed around the five themes of the Act:

- Municipal Authority
- Public Participation and Accountability
- Inter-jurisdictional Planning
- Provincial Interests
- Subdivisions

"What We Heard" presented in the following pages reflects what we heard from the Review Committee, who were asked specific questions related to the five themes at each of the meetings, as well as what we heard from other stakeholders either through separate discussions at open houses or written submissions.

In the draft copy of *Building a Sustainable Future*, which was prepared in May 2006, a series of "Considerations" appeared alongside "What we heard" for each of the areas under review. The "Considerations" were essentially points that the Review Committee felt should considered as GR developed policy, programming, and legislative reform. These "Considerations", however, do not necessarily reflect the opinion of the department of Government Relations.

Following the development of the "Considerations" the Committee agreed with GR that it was reasonable to put these considerations forward to the general public for comment. The "Considerations" were put into a questionnaire format and made available as part of the draft copy of *Building a Sustainable Future* at public meetings and on the GR web site. The questionnaire results can be found in Appendix 2. The results are presented as percentages.

Public Support as Indicated by the Questionnaire

Overall the results showed general agreement for almost all of the "Considerations" put forward in the draft summary report. In cases where there was less than 50% agreement on an item, GR looked at the relative percentage of those agreeing vs those not agreeing. Where percentage of respondents that agreed outweighed the percentage of respondents that disagreed, it was concluded that there was general agreement. For instance, "Developing a pilot project to demonstrate sector specific planning" had an agreement of 48.83 percent, less than 50 percent, but only 6.39 percent disagreed. A few of the considerations received high values in the neutral category. High neutral values might indicate a lack of understanding of a particular item, or a lack of significance for that particular respondent.

The questionnaire results are reflected throughout this document alongside "What We Heard" for each theme.

THEME ONE: Municipal Authority

Municipal Authority was considered on October 17, 2005 in Saskatoon, with 26 stakeholder groups represented at the discussion.

The questionnaire indicated agreement for the majority of considerations put forward. There was no clear agreement however, on the relaxation of zoning bylaw standards to accommodate

discretionary uses under unique conditions, and the proposal that all interim development control bylaws require provincial approval.

Background

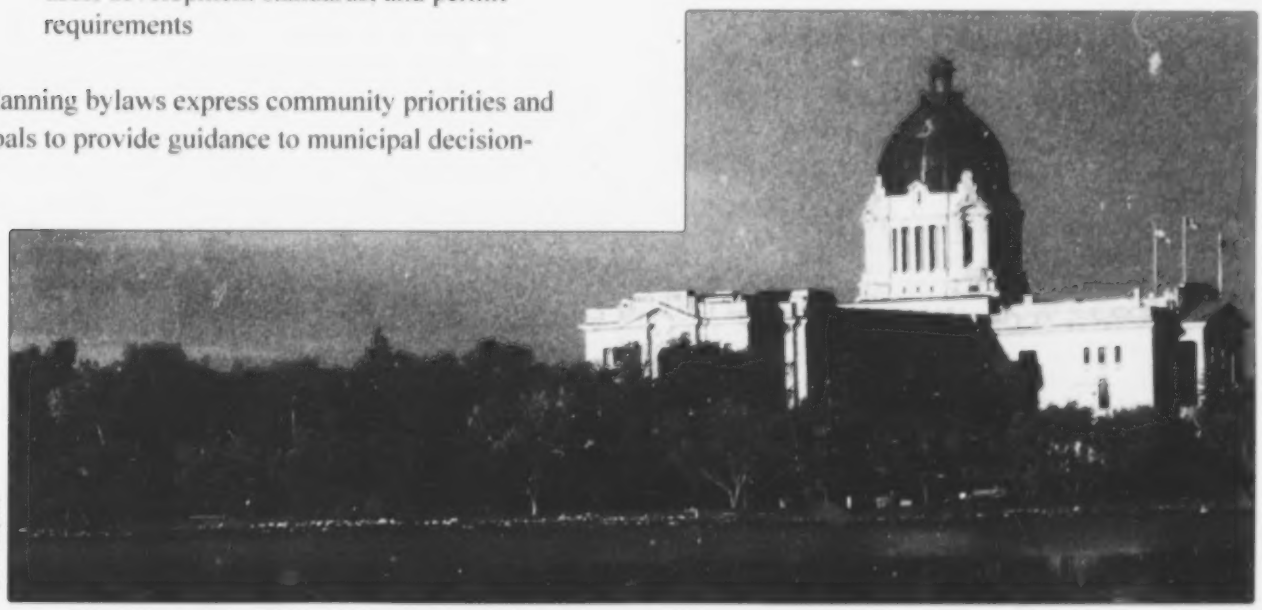
Municipalities play a key role in community development. The Act provides municipalities with the tools to carry out community planning, encourage economic development, ensure environmental protection, manage sustainable infrastructure, and look after other community interests. Some municipalities are very active in setting policies and developing future growth strategies, while others are not. It should be noted that the Act gives municipalities this choice.

Under the Act, municipalities may adopt policies to guide land use and community development through:

- a statutory plan (either a development plan or the more simplified basic planning statement)
- a zoning bylaw containing lists of permitted, prohibited or discretionary land uses, development standards, and permit requirements

Planning bylaws express community priorities and goals to provide guidance to municipal decision-makers. They also allow developers, business owners, and homeowners to make informed decisions about purchasing and developing property in the community. Of the 802 municipalities in Saskatchewan approximately 57 per cent have planning tools (basic planning statements, development plans, and/or zoning bylaws). Municipalities that do not have (at the very least) a zoning bylaw have no authority to influence land use planning and development decisions for their municipalities.

Until the late 1990s, the province provided significant planning services that included writing new land use bylaws for municipalities and conducting regular training workshops. By 2000, the department responded to municipal requests for greater autonomy and reduced its staff and services accordingly.



Heritage Resources Branch, Government of Saskatchewan, Calvin Fehr, 2004

Municipal Authority - General

What We Heard:

- The province needs to provide leadership for land use planning and development.
- The review of the Act provides an opportunity to determine how urban and rural municipalities work and to renew positive relationships between municipalities.
- Many municipalities lack planning capacity.
- Grassroots participation is essential to developing local planning goals.
- Municipal councillors and rural leaders need assistance and training to facilitate planning.
- Communities need funding, education, and expertise to conduct planning (preparation of plans and bylaws, research, funding acquisition, development of responses to ongoing or emerging planning issues).
- Development options should explore a variety of sectors.
- Development plans should be holistic and be aligned with community goals.
- Developers indicated a need for clear rules and time lines.
- Cost is a significant concern for developers.
- Developers could work with communities to do advance planning.
- Developers expressed frustration at inconsistency between municipal and provincial standards and the unpredictable cost of doing business (e.g. permit processes and costs are different from one municipality to the next).
- Municipal decision-making is more timely when development applications are complete.
- The Act may provide the context and framework for other provincial planning activities.
- Government review and approval processes could be further coordinated/streamlined.
- There is a challenge in accessing planning expertise; there are a limited number of planners in Saskatchewan.
- The Act applies equally in all areas of the province and for all lands under its jurisdiction.

The Review Committee and questionnaire showed general agreement for:

- Maintaining local municipal authority for development decisions through the adoption of development plans, basic planning statements, and zoning bylaws.
- Providing resources for communities who want to plan.
- Providing assistance and training to municipal councils and staff to facilitate planning activities.

Development Plans and Zoning Bylaws

What We Heard:

- Planning bylaws are important planning tools for all municipalities.
- Ideally, all municipalities should plan, but for some this may not be necessary or practical.
- Municipalities that want to plan could be provided with incentives to support this activity.
- Planning bylaws should be prepared with the assistance of professional planners.
- Planning could be made mandatory.
- The Act is intended to be applied equally to all areas of the province but it is not being practically applied or encouraged to the same degree in the North (outside of the Northern municipalities that have planning bylaws and the La Ronge Advisory Northern Planning Area).
- Funding is a challenge. Suggestions were made to use development application fees as partial funding or municipalities anticipating development could together hire a planner.
- Bylaws should provide current development options, clear direction, and predictability.
- Municipalities should make land use decisions in advance of other provincial approvals.
- Bylaws should not duplicate provincial jurisdictions.
- Councils should seek technical assistance on complex development decisions.
- With respect to bylaw approvals, some approving authorities would prefer to retain the current bylaw approval process rather than a Ministerial referral process for provincial interests.
- The province should be progressive and set an example by adopting development and zoning bylaws in the North.

The Review Committee and questionnaire showed general agreement for:

- Requiring municipalities to adopt development plans, basic planning statements, and zoning bylaws.
- Providing resources and incentives for planning to municipalities.
- Encouraging municipalities to undertake a comprehensive review and update bylaws on a regular basis.
- Expanding partnerships (municipal and planning associations, development industry, and government) to provide workshops and technical assistance on the development and application of planning bylaws (e.g. re-zoning, discretionary use, subdivision approvals, bylaw preparation).
- Developing a strategy to address planning issues in the North.

Discretionary Use

What We Heard:

- Planning documents need to reflect community goals and objectives with respect to their development options (permitted and discretionary uses) and decision making criteria to provide clarity for developers and councils.
- Developers expressed frustration that an approval-in-principle from one council could be overturned by the subsequent council.
- Municipalities need to establish criteria that reflect community goals and objectives for the evaluation of discretionary uses.
- Discretionary use criteria would essentially be a list of considerations for decision making.
- The option of removing discretionary use was not necessarily seen as a solution, as there are developments that warrant special consideration.
- An appeal mechanism for discretionary use decisions could be considered.
- Approving authorities want the authority to delegate non-controversial discretionary decisions to staff.
- Delegation of decision making is appropriate for approving authorities with capacity.
- Liability could be an issue where decisions have been delegated.

The Review Committee and questionnaire showed general agreement for:

Allowing councils to develop criteria (in policy) to evaluate a discretionary use application.

- Maintaining the existing process that allows for development conditions on discretionary use approvals to be appealed.
- Allowing councils to exceed zoning bylaw standards to accommodate a discretionary use under unique conditions.
- Providing a termination clause on discretionary use projects that have never been initiated.
- Providing approving authorities the ability to delegate certain (usually non-controversial) discretionary use decisions to the staff.

The Review Committee and the questionnaire indicated no clear agreement on:

- Allowing councils to relax zoning bylaw standards to accommodate a discretionary use under unique conditions.

- Municipalities should give careful consideration to what types of development are discretionary vs. permitted.
- Imposing time limits on discretionary use approvals create uncertainty for developers.
- Having time limits for approvals outlined in the Act would provide consistency for developers.
- Discretionary use approvals should be permanent because they are in effect changing the way the land can be used.
- Municipalities should be able to void a discretionary use approval if time limits or conditions of approval are not met, as they are able to with contract zoning agreements or there could be a mandatory review period – perhaps 10 years.
- Municipalities need to be reasonable when setting time-limits; developments such as shopping centres may take up to five years.

Interim Development Control (IDC)

What We Heard:

Municipality with a zoning bylaw:

- Approving authorities requested that IDC be permitted when they are reviewing a part of, or consolidating, a bylaw.
- IDC may be misused to prevent a controversial development or delay a difficult council decision.

Municipality without a zoning bylaw:

- Concern was raised that IDC might result in delayed decisions on contentious issues.
- The Act could set minimum content requirements for IDC.

The Review Committee and questionnaire showed general agreement for:

- Providing minimum standards for IDC when a municipality does not have planning documents.

The Review Committee and the questionnaire indicated no clear agreement on:

- All IDC's should require provincial approval.

Subdivision Approval and Minor Variances

What We Heard:

- Flexibility for planning decisions relating to subdivision approval and minor variances is appropriately provided to municipalities with approving authority.
- Approving authorities suggested that the Act allow for a 30 per cent variance.
- Municipalities should carefully consider setbacks when preparing bylaws.
- The current appeal process for setbacks was seen as adequate to address issues.

The Review Committee and questionnaire showed general agreement for:

- Allowing approving authorities to have greater flexibility to determine development standards, provided they are consistent with Statements of Provincial Interest.

Site Plans / Concept Plans

What We Heard:

- Some urban municipalities indicated that the need for site plan control may be limited, but it may be a useful tool.
- In the North, concept plans could be especially useful to provide future context for planning and development activities.

- The Review Committee and questionnaire showed general agreement for:
- Providing municipalities, particularly approving authorities, with more planning tools (e.g. site plan control, concept plans).

Non-Conforming Uses, Buildings and Sites

What We Heard:

- Provide clarity on how to deal with non-conforming sites (e.g. sites whose size and/or dimensions do not comply with the current zoning bylaw).
- Allow municipalities to establish a class of non-conforming buildings and specifically allow additions, structural repairs and replacements for that class.
- Provide more flexibility, such as an appeal mechanism, to deal with non-conforming buildings that require structural repairs, additions or replacement.
- Provide flexibility to allow for non-conforming sites to be developed as appropriate.
- Provide clarity on how values for non-conforming buildings should be calculated.

The Review Committee and questionnaire showed general agreement for:

- Providing municipalities more flexibility in managing non-conforming sites and buildings.
- Allowing appeals for certain non-conforming buildings (e.g. additions, structural alterations).
- Using the National Building Code to calculate whether a building has sustained damage of greater than 75 percent as set in The Act.

Inclusionary Zoning

What We Heard:

- Municipalities could encourage affordable housing options by having bylaws that support a range of housing types.
- All levels of government could take a stronger role in providing affordable housing options.

- The Review Committee and questionnaire showed general agreement for:
- Using partnership initiatives (government and developers) to explore mechanisms to better provide affordable housing options in Saskatchewan communities.

Bylaw Enforcement and Fines

What We Heard:

- Municipalities would like to have the flexibility to issue tickets to address minor bylaw infractions and reduce costly enforcement proceedings.
- There are several options for enforcement; there could be classes of infractions, minimum vs. maximum fines and possibly an improved performance bond system.
- Smaller jurisdictions do not have the financial capacity to pursue legal action.
- Municipalities raised the issue of performance bonds, letters of credit or cash deposits as incentives to ensure a developer complies with the conditions of a development permit.
- Enforcement is often difficult and costly.
- Fines should deter frivolous action and be sufficient to cover the real cost of legal action.
- Fines should be increased to be consistent with *The Cities Act*.

The Review Committee and questionnaire showed general agreement for:

- Expanding the opportunities for bylaw enforcement (e.g. ticketable offences, posting a bond).
- Looking for alternate ways to impose fines (e.g. adding fines to property taxes).
- Making fines consistent with *The Cities Act* and *The Municipalities Act*.

THEME TWO: Public Participation and Accountability

Public Participation and Accountability was discussed on November 22, 2005, in Regina, with 23 stakeholder groups represented.

The questionnaire results indicated agreement for all of the considerations put forward in this section.

Background

Public Consultation

The Act requires municipalities to notify the public and give the public an opportunity to comment before land use policies are changed, land is rezoned, or discretionary uses are approved. It gives municipalities the flexibility to decide, in the zoning bylaw, how to consult the public on a discretionary use application. The Act requires municipalities to hold a public hearing before adopting a new bylaw or a bylaw amendment.

By involving the public in the decision making process, the Act ensures that the community's land use policies have general community support, and that they reflect the citizens' priorities. Planning also affects property rights; what owners do on their property affects neighbouring property. The Act ensures that property owners have input when they could be affected by a proposed development.

Policy decisions require public input. Technical decisions, which must be consistent with municipal planning bylaws, do not require public input. For example, public input is not required on subdivision applications or development permit applications for permitted uses. All subdivisions and developments must comply with the municipality's planning bylaws. As noted previously, the public has input before these bylaws are adopted or amended.

Accountability

The basic principle of the Act is that municipal councils have the final authority for local land use policies and significant local land use decisions, and that these decisions cannot be appealed. Technical decisions, such as certain decisions on development permits and the subdivision of land, may be appealed to a local Development Appeals Board (DAB), the Saskatchewan Municipal Board (SMB), and the Saskatchewan Court of Appeal.

Local Development Appeals Boards hear development permit appeals and, where the municipality is an approving authority, subdivision appeals. The Saskatchewan Municipal Board hears appeals of DAB decisions and subdivision appeals. If it is deemed that the Saskatchewan Municipal Board erred in a judgement of law, the decision may be appealed to the Saskatchewan Court of Appeal.

The current maximum appeal fee is $50. It is not intended to cover all appeal costs. It is intended to be low enough to not present a barrier to appellants. The Act was amended in 2005 to permit the province to establish appeal fees by regulation, and have different appeal fees for different categories of appeals; however, no changes have been made.

Public Consultation Process

What We Heard:

- Public participation is a fundamental component of decision making.
- Defining "Public" (e.g. community or affected public) may be useful in limiting participation from outsiders with no vested interest in local issues.
- Stakeholders should be given sufficient time during a process to respond.
- Developers felt that consultations should be time bound to ensure timely decisions.
- There are a number of opportunities to participate in the planning process at present.
- The public is not confident that the public process is meaningful, decisions are viewed as predetermined, which may account for the lack of participation in these processes.
- Councils are accountable to ensure that the development proposals meet the policies that are set out in their planning documents for their community.
- Election time is when the public evaluates council's success.
- Public notice as already required in the Act is satisfactory.
- Approving authorities were satisfied with the recent amendments to the Act, allowing them to set their own notification policies (e.g. amendments, sale of municipal reserve).
- The Act should not prescribe a particular public notice process for discretionary use applications; municipalities should continue to have flexibility.
- The public hearing is commonly used to collect public opinion.
- Public hearings have the advantage of being a formal process that results in a record that may be used by council or an appeal board should the need arise.
- There is no need to set minimum standards in the Act for public consultation on discretionary uses.
- A 'Best Practices Manual' to assist municipalities in providing meaningful and appropriate opportunities for public participation would be helpful.

The Review Committee and questionnaire showed general agreement for:

- Providing workshops to assist municipalities in dealing with public consultations processes (options for gaining public input, managing meetings, handling conflict).
- Developing a "Best Management Practices" manual on public participation opportunities and process.
- Establishing public participation policies consistent with *The Cities Act* or *The Municipalities Act*.

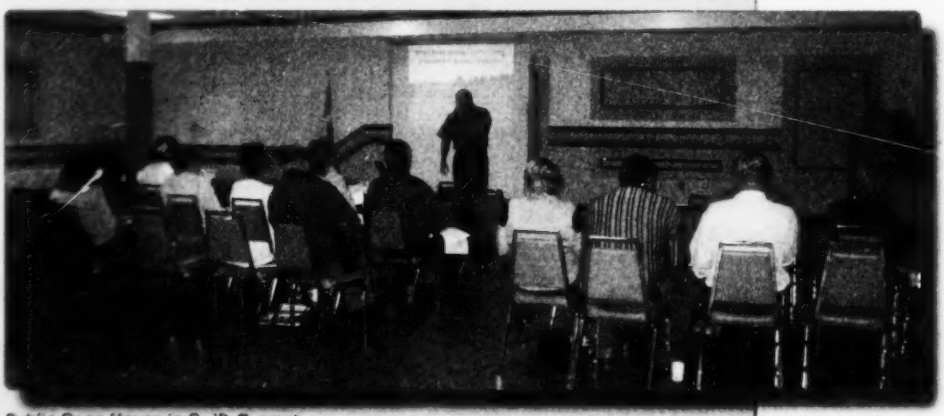
Public Consultation and Planning Tools

What We Heard:

- Consultation provides an opportunity to educate the community, the development proponents, and the local council on a particular project.
- Consultation needs to be done from the outset of a project to avoid the misconceptions and suspicion that is generated when developments are created away from public view.
- Controversy over a development decision may be useful to stimulate questions and bring forward issues.
- Consensus is not necessarily achieved through consultation.
- Controversy was seen as positive when the discussions led to solutions and compromise.
- Municipalities with development plans and bylaws that have defined development options and clear criteria for decision making are likely to feel more confident in making decisions.
- Developers may initiate consultation on complex or controversial developments but there is no need for this to be mandated.
- The province does not apply a planning approach that includes public participation in the North.

The Review Committee and questionnaire showed general agreement for:

- Facilitating community development by encouraging, through incentives, the preparation of planning bylaws.
- Ensuring the application of comprehensive and inclusive public consultation processes for planning and development issues in the North.



Public Open House in Swift Current

Accountability

What We Heard:

- Appeal mechanisms are an important part of the planning process.
- Appeal costs are commonly in the range of $300 to $1,000 (especially with more complex actions); the current fee of $50 should be increased.
- Appeal fees, not refundable under the present Act, might be in the case of a successful appeal.
- Active Development Appeals Boards (DABs) are busy and functioning well.
- In some areas DABs hardly ever meet and as a result they lack experience in dealing with planning appeals.
- DABs may be a good option for municipalities with limited development activity.
- Not necessary to expand the mandate for the DABs or the SMB to provide dispute resolution services to councils.

The Review Committee and questionnaire showed general agreement for:

- Providing mechanisms for mediation/ dispute resolution processes outside of the Development Appeals Board (DAB) and/ or Saskatchewan Municipal Board (SMB) process such as a municipal ombudsman.
- Clarifying the criteria by which municipal councils make discretionary use decisions.
- Clarifying the appeal criteria for subdivision and development appeals.
- Allowing for fee increases that better represent the cost associated with appeals (consistent with *The Municipalities Act* and *The Cities Act* appeal fee structure).
- Providing for and building capacity in District or Regional Development Appeals Boards as an alternative to local boards.

Public Meeting in Maple Creek

THEME THREE: INTER-JURISDICTIONAL PLANNING

The theme of inter-jurisdictional planning was explored on December 12, 2005, in Saskatoon with 19 stakeholder groups represented. Outside of the discussion there were three presentations on inter-jurisdictional planning. Lorne Sully, Director of Planning, with the City of Saskatoon, provided observations on the opportunities and challenges for inter-jurisdictional planning based on his experience with the Saskatoon District Planning Commission and Treaty Land Entitlement Process. Eleanor Bowie, Secretary to the Great Sand Hills Planning Commission, provided background and history on the establishment and operation of the Commission and talked about the research program that is currently under way in this unique area of the province. Laurel Feltin, Director of Agricultural Policy, SARM, spoke to the group about SARM and SUMA's "Clearing the Path" initiative and the opportunities that it could provide for cooperative approaches to inter-municipal planning.

Three other presentations relating to this theme were made at the meeting held on January 24, 2006. Alan Appleby, Conservation Director, Canadian Parks and Wilderness Society, gave a presentation that discussed the issues in the Northern Saskatchewan Administration District. Lucy Pelletier, Director of Economic Development, Cowessess First Nation, spoke about the relationships they have developed with 20 municipalities to buy lands surrounding the existing Reserve and in near by urban centres. Cowessess has developed a land acquisition strategy to enhance economic opportunities and create sustainable community development. Ms. Pelletier also talked about how to engage First Nations and Métis groups. Mayor Tim Sterzer, Town of Balgonie, talked to the group about the Regina Memorandum of Understanding (MOU). The MOU involves more than 37 municipalities who agreed they did not want to compete with Regina for development, services or population. Together they are cooperatively addressing issues related to landfills, waste management, recycling, infrastructure for sewer and water, and tourism and economic development.

The questionnaire results indicated agreement for all of the considerations put forward for this theme.

Background

Inter-municipal Planning

The Act enables two or more municipalities to establish a planning district and an advisory district planning commission. When a planning district is established, the member municipalities must jointly adopt a district development plan to ensure consistent land use and development policies throughout the district. The municipalities that have land in the district then each adopt a district zoning bylaw that is consistent with the district development plan. There are currently 16 planning districts in the province. Planning districts appoint an advisory district planning commission to undertake research and provide advice on land use planning and development matters. All decision-making authority rests with the councils of the member municipalities.

Communities that work together:

- have the capacity to address issues that go beyond municipal boundaries (e.g. environmental and resource management, such as protection of drinking water sources)
- are better positioned to offer cost-effective services (e.g. regional water treatment and

distribution systems, jointly-funded recreation facilities, and Area Transportation Planning Committees)

- may take advantage of more economic development opportunities (Regional Economic Development Authorities).

In the 1970s, the province dedicated full time planning staff to undertake and implement comprehensive community development plans for the Qu'Appelle Valley area that considered economic development, environmental issues, coordination of services, etc. The area utilized a corporate planning commission structure that had limited approval authority. With the assistance of provincial staff to review development proposals, planning was conducted on a regional basis for the immediate Qu'Appelle lakes. Further, there were also federal funds to assist in provincial regional studies. This system was very successful and generally accepted by the participating municipalities until the mid 1980s when both the federal and provincial governments withdrew funding and staff resources.

The Great Sand Hills Land Use Planning Commission is an example of regional planning. Their plan has allowed them to develop a shared vision which has considered the impact of development on local people, economics, and the environment. The partnership is allowing regional issues to be addressed, utilize provincial staff and bring in local and outside expertise. The experience has been one of cooperation and balance. The challenges that have arisen have been around membership and decision making. During the review of The 1991 Great Sand Hills Land Use Strategy, it was recommended the Commission formalize its partnership with the province to have decision making authority over planning activities under the Act. Potentially this option would address challenges and concerns for local partnerships and ensure long term resources and support for the area.

Planning with First Nations and Métis Peoples

First Nations and Métis peoples are the province's fastest growing segment of the population. The province has initiatives to include Aboriginal participation in a number of areas such as economic development, educational development and training, and health care. The province also has a role, through the department of First Nations and Métis Relations (FNMR), to facilitate the creation of new reserves and Treaty Land Entitlements.

The Treaty Land Entitlement process has created new reserves in urban and rural areas. Reserve land is governed by the First Nation; it is not subject to the Act or, unless the First Nation agrees, to any municipal bylaw. Some municipalities and First Nations have signed agreements to ensure that land use and development on the Reserve and areas

Image courtesy of Tourism Saskatchewan

Pow Wow at Wanuskewin Heritage Park

surrounding the Reserve are compatible. Planning issues often extend beyond political boundaries. The City of Saskatoon has been a national leader in its approach to urban reserve creation, which is credited to the attitude of the city council, and the work of the city staff and the specific band councils involved.

Planning in the North

In the Northern Saskatchewan Administration District (NSAD), the Act permits the Minister to establish planning areas and advisory Northern planning commissions consisting of community residents and members of First Nations and Métis Peoples. Advisory Northern planning commissions advise the Minister on community planning and development matters. Outside of incorporated municipalities, the Minister acts as the municipality in the NSAD.

The La Ronge Advisory Northern Planning Area was established as a pilot project to provide for effective local input into discussions on development. It will also have a key role in implementing the La Ronge Integrated Land Use Management Plan.

Image courtesy of Tourism Saskatchewan

Canoeing in northern Saskatchewan

Inter-Jurisdictional Cooperation and Partnerships

What We Heard:

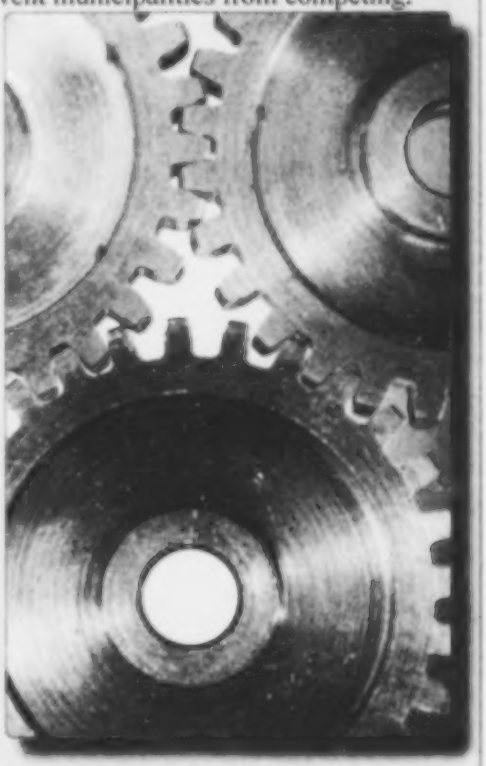
- Inter-municipal planning was defined as a grassroots activity, one that shared a common vision, built on compromise and consensus.
- Inter-municipal planning requires provincial support and funding.
- Inter-municipal cooperation should be initiated by municipalities and it should be voluntary.
- Municipalities that do not choose to work together should not be critical of those that do.
- Cities bring expertise to a planning process and may provide greater service delivery, regardless of their size
- Economic development and environmental protection are examples of issues that go beyond municipal boundaries.
- Inter-municipal planning offers an opportunity to be holistic, allowing communities to engage in discussions on how to effect economic, environmental and social change.
- Zoning bylaws of municipalities that belong to district planning commissions should be compatible, not necessarily identical.
- Inter-municipal development plans need to be consistent with Statements of Provincial Interest, which could support local and regional planning efforts.
- Clearing the Path (CTP) is an initiative of the *Saskatchewan Association of Rural Municipalities* and the *Saskatchewan Urban Municipalities Association.*
- CTPs goals include encouraging municipalities to work together to support economic development, streamline the development process, and create clear and consistent rules for developers.
- Concern that using a sector-specific approach to planning may limit development by only focusing on one sector.
- Planning commissions, initially organized to address sector-specific planning, could deal with more than just bylaws and business attraction for a particular sector; for example, they could facilitate the development of recreation centres.
- Municipalities need to position themselves to share information and resources to build planning capacity.

The Review Committee and questionnaire showed general agreement for:

- Enhancing planning district responsibilities to assist municipalities with building cooperative planning capacity.
- Providing incentives for inter-municipal planning initiatives.
- Encouraging a variety of economic development opportunities to establish in rural Saskatchewan by providing improved services and infrastructure.
- Developing a pilot project to demonstrate sector specific planning.

Inter-Jurisdictional Cooperation and Partnerships

- Each municipality may have a different vision of growth and development; priorities and values may differ.
- Inter-municipal plans need to account for local differences where necessary.
- Members of a planning commission should share common interests and goals.
- Communities that want to develop a vision and a plan might be well advised to seek the services of a facilitator or strategic planner in addition to a community planner.
- Regional water systems are an example of municipalities cooperating on a common issue.
- Planning Commissions may face operating challenges with respect to administration and information.
- There are a multitude of organizational boundaries currently available that planning commissions could use (municipal boundaries, watersheds, REDAs, health districts, school divisions, agricultural land classification, etc.).
- A sector specific planning approach should prevent municipalities from competing.
- Cooperative planning across a sector or region allows municipalities to clearly define their economic development opportunities before developers come looking for approvals.
- Planning commissions could also consider the establishment of a broad-based planning authority.
- Municipalities need to be empowered to plan and authorized to implement their plans without interference from the province.
- Celebrating success is one way to continue the momentum of planning efforts.



Administrative Structure

What We Heard:

- Opportunities for inter-municipal planning need to be structured in such a way that even the smallest municipality will benefit.
- Regional planning districts should not be a pretense for rural amalgamation.
- Partners in planning districts should commit financially.
- Flexibility for structuring district planning commissions is available under the Act.
- Flexibility should be provided for member municipalities to delegate certain decision making authority to district planning commissions.
- Challenges for the inter-municipal planning include the variable community size of and distance between communities, diversity of values and resources, and service requirements (e.g. resort communities have unique challenges).
- The benefits of the (Great Sand Hills) Commission include discussion and information-sharing opportunities, knowledge and expertise; and consistency and predictability for developers.
- Municipalities lose if they "butt heads" at municipal boundaries; those looking to do business in Saskatchewan do not care about municipal boundaries.
- Regional planning districts may streamline the development process and minimize bureaucracy and political interference.
- The federal "New Deal" provides funding for regional sustainability initiatives and communities are encouraged to have integrated community sustainability plans. A mechanism is needed to involve RMs in such initiatives.
- Where decision making authority is delegated to a district planning commission, decision makers must be accountable to the public.
- Appeal mechanisms need to be available for corporate planning districts.

The Review Committee and questionnaire showed general agreement for:

- Providing more flexibility for the operation of district planning commissions (e.g. delegate authority, create corporate entities, undertake sector specific planning, share servicing, etc.).
- Permitting municipalities to delegate approving authority (e.g. development permits) to district planning commissions.
- Programming to facilitate inter-municipal planning (resources, expertise).

Planning with First Nations and Métis Peoples

What We Heard:

- Municipalities should, as a matter of course, invite First Nations and Métis Peoples to discussions on local land use planning issues.
- Better communication is needed between municipalities and the First Nations regarding land-use compatibility and servicing requirements.
- Participation of First Nations and Métis Peoples could facilitate planning in the North and contribute to the efforts of district planning commissions.
- First Nations and Métis communities are challenged, like municipalities, to build capacity, conduct planning, and manage funds.
- Provincial direction is required to address land use compatibility and servicing requirements.
- In determining land uses, First Nations and Métis communities try to balance traditional with contemporary views.
- Economic development opportunities must be ethically viable for the community.
- Environmental considerations are key.
- First Nations and Métis Peoples have been active partners with a number of RMs where there has been a common interest or goal identified (e.g. power generation, roads).
- The province should provide leadership to help municipalities to engage First Nations and Métis communities.
- Partnerships with First Nations and Métis Peoples may offer municipalities development opportunities as First Nations sometimes have access to other financial resources.
- Treaty Land Entitlement (TLE) remains an important issue for cooperative land use planning.
- TLE settlements are facilitated when there is a willing buyer and willing seller.
- Mediation is a preferred dispute resolution mechanism.

The Review Committee and questionnaire showed general agreement for:

- Encouraging land-use planning partnerships between First Nations and Métis Peoples and municipalities.
- Encouraging the federal government to provide funding to support partnerships between municipalities and First Nations, and to promote land use compatibility.
- Preparing guidelines to assist partnership arrangements between First Nations and Métis communities and municipalities.

Photo courtesy of Larry Pearen

Wendel Starr of Lebret at the Yorkton Centennial Celebration

THEME FOUR: PROVINCIAL INTERESTS

Provincial Interests were discussed on January 24, 2006, in Regina, with 25 stakeholder groups represented.

The questionnaire results indicated agreement for all of the considerations put forward for this theme.

Background

The Act permits the province to establish, by regulation, Statements of Provincial Interest (SPI), which express the province's objectives for community planning matters that have broad public importance. Many other provinces have adopted SPIs or Provincial Land Use Policies. Municipalities and developers have asked the province to clearly state provincial interests in community planning on a number of issues, including:

- Land Use / Settlement
- Housing
- Transportation
- Infrastructure
- Agriculture
- Biodiversity and Environmentally Significant and Sensitive Areas
- Cultural Heritage and Archaeological Resources
- Forests
- Minerals
- Petroleum and Natural Gas
- Water
- Recreation
- Natural and Human-made Hazards
- Source Water Protection

Statements of Provincial Interests:

- create a framework for community planning;
- provide clear, consistent guidance to provincial and municipal decision-makers, developers and community residents;
- clearly describe provincial priorities for the benefit of municipalities, private industry, and community residents;
- coordinate the common goals of government departments and agencies;
- ensure provincial assets are protected; and
- avoid duplication in government processes.

The Statements of Provincial Interest may include both standards and guidelines. The SPIs are intended to be aligned with existing policies and legislation related to land use planning and decision-making. For example, the SPIs may state a specific standard by establishing the 1:500 estimated flood elevation level as the minimum standard to protect development from flooding. Alternatively, the SPIs may encourage a policy direction for development and protection of natural resources.

The SPIs are still under development; once they are completed, there will be a process for public review and comment.

Heritage Resources Branch, Government of Saskatchewan, Calvin Fehr, 2004

Prince Albert Town Hall and Opera House - A Provincial Heritage Property

Guiding Principles

What We Heard:

- The concept of having guiding principles is valid.
- Guiding principles should be reduced clear and focused.
- Access for special needs, energy conservation, sustainability, biodiversity protection, protected area networks, ecosystem based planning were noted as missing from the principles.
- Statements of Provincial Interests (including the principles) need to be developed for application to the whole province, including the North.
- The province needs to set an example and to adhere to the principles.

The Review Committee and questionnaire showed general agreement for:

- Making development decisions with regard to a consistent set of basic planning principles, such as shared responsibility, public participation, and balance of interests.

Intent and Implementation of Statements of Provincial Interest

What We Heard:

Intent

- Statements of Provincial Interest (SPI) should be a clearly-articulated vision from the province, from which would come a set of goals that reflect stakeholder input.
- SPIs should be flexible enough for use across a variety of municipal boundaries and should recognize regional differences and community uniqueness.
- The SPIs should provide guidance and encouragement to municipalities for planning, but should not remove municipal autonomy or down load responsibilities that would be onerous for local municipalities.
- Municipalities sometimes have a difficult time balancing development options.

The Review Committee and questionnaire showed general agreement for:

- Ensuring that municipalities and the province are consistent with provincial interests in land use planning.
- Clarifying provincial and municipal authority, through provincial interests, for resource use and protection.
- Working with government departments, agencies and municipalities to determine the most appropriate implementation mechanisms for provincial interests.
- Allowing approving authorities the responsibility for ensuring that their planning documents are consistent with provincial interests.
- Providing for dispute resolution mechanisms through mediation/arbitration where there is a conflict over regard for provincial interests.

Intent and Implementation of Statements of Provincial Interest

- Municipalities noted a need for principles, standardization, and flexibility in the application of these interests.
- Developers want SPIs to support economic activity.
- Municipalities would like the interests to provide clarification on jurisdictional responsibility in areas such as highways, groundwater protection, etc.
- Statements of Provincial Interests should be designed to complement and support existing legislation.

Implementation

- The province should take responsibility for development and implementation of SPIs.
- Public involvement is critical to the development of the SPIs.
- There needs to be a process for evaluating and quantifying municipalities' success in balancing or meeting the interests.
- Municipalities and the development industry have a key role in ensuring SPIs are met through planning documents and practices.

Photography by Judy L. Grills

- Requiring specific content for development plans could be one way to implement provincial interests.
- Potentially, SPIs could provide a minimum standard in the absence of planning bylaws.
- Approving authorities do not consider it necessary for the province to review their planning documents for compliance with SPI, given their level of expertise.
- Disagreements could potentially occur between the province, municipalities and developers over whether there is conformity with a SPI.

General Goals for Provincial Interest

What We Heard:

The Review Committee discussed and commented on the general goals for the following 8 areas of provincial interest:

Land Use and Settlement

- inclusive
- equally applied
- provide local focus
- balance provincial needs
- provide a context for planning
- coordinated

Agriculture

- sustainable
- financially sound and competitive
- environmentally responsible
- innovative
- diversified (including value-added industries)

Forests and Forestry

- sustainable
- biodiversity
- economically viable
- diversified
- accessible for recreation
- accessible for traditional harvesting activities and non-timber products

The Review Committee and questionnaire showed general agreement for:

- Ensuring that public input is considered in the development of SPIs including: Land Use / Settlement, Housing, Transportation, Infrastructure, Agriculture, Biodiversity and Environmentally Significant and Sensitive Areas, Cultural Heritage and Archaeological Resources, Forests, Minerals, Petroleum and Natural Gas, Water, Recreation, Natural and Human-made Hazards, and Source Water Protection.

Water

- protect drinking water quality and quantity
- protect surface water and groundwater sources
- make greater use of irrigation potential
- streamline and clarify regulatory authorities
- provide for recreational development
- encourage conservation

General Goals for Provincial Interest

Petroleum/Gas/Mineral Resources

- improve coordination and communication between owners of surface and subsurface rights
- coordinate activity with road networks; ensure municipal costs are recovered
- capture economic benefits
- ensure environmental responsibility

Biodiversity / Environmentally Significant and Sensitive Areas

- retain ecologically significant and sensitive areas
- accommodate development without leaving long-term negative effects

Recreation

- creativity and variety in planning and providing accessible recreation spaces and opportunities for everyone
- definition of 'recreation' is critical and should be broad
- opportunities should encourage people to be active
- recreation needs are a planning issue
- recreation development should be sustainable (future oriented, ecologically and socially sensitive)
- identify and protect unique recreational opportunities, locally and provincially, consider engaging the private sector
- consider rights and liability concerns of private landowners adjacent to public recreation areas (liability insurance may be difficult for private landowners).

Heritage

- integrate Heritage Conservation Districts into development plans
- educate municipalities on the existing evaluation criteria for heritage sites that may be used for planning purposes
- coordinate heritage inspection process to ensure that inspections are limited to project development area

THEME FIVE: Subdivision

On March 21, 2006 the Subdivision theme was discussed with 23 stakeholder groups in Regina. In addition to this meeting, a smaller group met on February 16, 2006, in Saskatoon to discuss specific amendment requests proposed by the planning directors and home builders.

The questionnaire results indicate agreement with the considerations that were put forward for this theme.

Background

The Act and *The Subdivision Regulations* govern the procedures for subdividing land into parcels or lots. Subdivision applications must be reviewed and approved by the provincial Director of Community Planning before land may be subdivided. This approving authority has also been delegated to 10 of the province's 13 cities. Approving authorities must employ or retain a licensed professional community planner.

The subdivision review process, which may involve consultation with municipalities, First Nations and Métis Peoples, utilities, and other provincial departments, ensures that:

- the land is suitable for the proposed development
- the proposed development complies with municipal bylaws and is compatible with land uses in the area
- proper financial and other arrangements have been made to service the proposed development
- the proposed development is consistent with provincial interests.

The following information sheets are available at: http://www.municipal.gov.sk.ca/div/cpb/subdivision.html and provide details on the subdivision process, servicing agreements between municipalities and developers, and lands dedicated for public use:

- "Subdividing Land"
- "Servicing Agreements"
- "Background to Dedicated Lands"

The Dedicated Lands Regulations govern lands, such as municipal reserves, which are identified during the subdivision process and set aside for public use. In certain cases, cash may be paid instead (cash-in-lieu) and invested in other public lands.

Cottage development near Last Mountain Lake

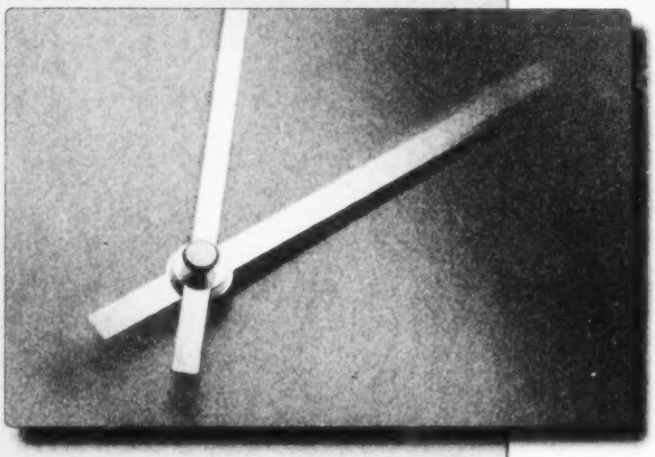
Subdivision Processes

What We Heard:

- Should subdivision review times be reduced?
- Subdivision processes and requirements need to be clearly explained to new developers.
- Since not everyone has easy access to the Internet, information should to be readily available from more sources.
- Application forms should include information on the departments involved and guide the applicant through the review.
- Applicants could be responsible to collect and submit certain information in order to reduce the overall review time.
- Developers could be unaware or miss collecting certain information, thereby slowing down the process instead of streamlining it.
- Concept plans that identify future land use and development patterns for an area could be a tool to improve the timeliness of subdivision reviews.
- The public should be encouraged to stay involved in concept planning.
- Need to identify the benefits of concept plans in a rural setting.
- Would it be helpful to the subdivision review process for all municipalities to have bylaws?
- Government should not "over-legislate" in order to address rare or unusual circumstances.

The Review Committee and questionnaire showed general agreement for:

- Reviewing the Subdivision Regulations to ensure compatibility with government and industry standards and provincial interests.
- Establishing a forum for approving authorities to review subdivision processes.
- Reviewing the provincial subdivision process to examine the opportunities for streamlining.
- Clarifying where subdivision approval is required (e.g. leases, easements).



Subdivision Processes

Subdivision Bylaws by approving authorities other than the province:

- The requirement for approving authorities' subdivision bylaws to be "consistent with" *The Subdivision Regulations* must be clarified.
    - For example, *The Subdivision Regulations* contain numerical standards; how can a bylaw be "consistent" without being identical?
- It may be sufficient for subdivision bylaws to be consistent with the Act and any SPIs.
- Clarify whether the fee schedule for processing subdivision applications is expected to be part of the subdivision bylaw or a separate bylaw.
- Approving authorities would prefer to have the ability to adopt fees by separate bylaw or council resolution.
- It is cumbersome and paternalistic for subdivision bylaws to be approved by the Minister when urban zoning bylaw amendments do not require this level of approval.
- Clarify that revenues from subdivision fees cannot exceed the costs of delivering the subdivision review program.
- Developers do not support any changes that may result in fee increases.

Subdivision appeal criteria:

- Should the Act provide broader avenues of appeal for subdivision applications?

Photo courtesy of Trent Fehr

Train Tracks Near Fort Qu'Appelle

Subdivision Approving Authority

What We Heard:

- Approving authorities often consider complex development proposals that require access to professionals in other disciplines for advice and expertise.
- There are several reasons why municipalities may wish to leave approving authority responsibility with the province.
  - It may be prohibitively expensive for smaller municipalities or municipalities that do not experience significant development activity to employ or retain professionals.
  - With the province as the approving authority, it reduces the potential for conflicts with local politics and provides greater consistency.
  - Approving authorities assume certain liability associated with ensuring that land is suitable for a proposed development.
- Being able to delegate subdivision approvals to qualified staff may work well because it allows councils to focus attention on broad policy issues rather than technical details or processes.
- The Minister should not delegate approving authority to municipalities that are qualified but have not requested this authority. Some municipalities would have difficulty assuming this responsibility and would perceive it as down-loading.
- The province should provide funding assistance to municipalities to encourage them to work together to obtain planning, engineering and legal advice.
- The province should ensure that approving authorities are aware of SPIs.
- The province is both the municipality and the approving authority Northern Saskatchewan Administration District.

The Review Committee and questionnaire showed general agreement for:

- Approaching qualified municipalities to discuss the option of granting approving authority.
- Ensuring northern subdivisions are coordinated between departments and municipalities.

Development Levies, Servicing Agreements & Municipal Reserve

What We Heard:

Development Levies

- There should be greater flexibility in the way that levies are used.
- Developers should not be subject to additional levies.
- Municipalities should recognize that some services, such as public transit and police, benefit the community as a whole and not only new homeowners.
- The Act contains an appropriate list of facilities and services for which levies may be charged, and levies should continue to be adopted by bylaw with provision for public notice.
- Studies should continue to be required as a basis for the levies; however, the Act should clarify that separate studies are not required for each development.
- Require that developments with a significant footprint, outside of subdivisions, provide for dedicated lands.

The Review Committee and questionnaire showed general agreement for:

- Reviewing the criteria around development levies, servicing fees, and cash-in-lieu as mechanisms to adequately provide specific services.
- Providing flexibility and clarity on the use of municipal reserve funds, development levies and servicing agreement fees.
- Clarifying how municipal reserve lands can be used.
- Providing focused training and educational material for councils on the requirements for and use of development levies, servicing agreements, and municipal reserve.

Servicing Agreements

- There should be more flexibility in the types of services, facilities and costs that servicing agreements address.
- Municipalities get pressure from developers to limit servicing agreement fees, but they also get pressure from existing taxpayers to minimize taxes. One-time, up-front servicing agreement fees may be more acceptable than annual tax increases.
- There is opposition to changes that may expand the range of services and facilities for which servicing agreement fees could be charged. Such changes would ultimately affect the affordability of new housing.
- Developers are willing to pay for the cost of servicing the new subdivision (e.g. internal roads and utility lines), and for the cost of extending existing municipal services to the new area (e.g. trunk lines).

Development Levies, Servicing Agreements & Municipal Reserve

- Fees and levies, particularly for off-site services, must be well-researched, defensible and transparent.
- Services that benefit the entire community, such as police service and bus service, should be paid for out of tax revenues, not servicing agreement fees.
- Tax abatements to rejuvenate or intensify inner-city areas may be as controversial as servicing agreement fees for new developments. Taxpayers in new areas may feel they are subsidizing existing areas, and it is undesirable to pit one part of a community against another.
- Dispute resolution should be used when a development is located in one municipality but obtains its services, such as road access, from another municipality, which is left to assume the cost of any service improvements. Dispute resolution is currently available under *The Municipalities Act.*
- Care must be taken to prevent unintended effects – for example, an urban municipality, in response to a rural subdivision proposal, requiring a servicing agreement to cover the cost of recreation services.

Municipal Reserve

- There should be more flexibility and/or clarification in the way Municipal Reserve land may be used, and the way cash-in-lieu may be spent.
- Clarity is required on how cash-in-lieu should be calculated.
- Higher density developments have a greater need for parks and recreation facilities, therefore the Municipal Reserve requirement should be related to development density, rather than a straight percentage of the site area.
- Residents on large lots in rural municipalities do not typically demand park space, and they may not need new recreation facilities if they have access to existing facilities in towns in the area.
- Some RMs have accumulated significant sums in their cash-in-lieu accounts, but are often not aware that their cash-in-lieu funds may be spent in other municipalities, and this flexibility should be promoted.
- Rural residents may be more likely to demand improvements to roads and emergency services, rather than recreation facilities where there is no need for additional green space.
- Clarification is needed regarding which 'public buildings and facilities' may be located on Municipal Reserve.
- In large urban developments, residents expect park space and recreation facilities in

Development Levies, Servicing Agreements & Municipal Reserve

every neighbourhood, and there will be pressure to spend at least some of the cash-in-lieu in the area from which it was collected. In contrast, as noted above, it may be more efficient for rural and small urban municipalities to pool their resources and invest in parks and recreation facilities that serve a region.

- Municipalities should have the ability to improve the buildings located on Municipal Reserve, but routine maintenance and operation costs should be covered by tax levies.
- Can the calculation of land 'in a subdivided, un-serviced state' include development levies and hectarage assessments in the land value? Such costs relate to servicing, and therefore do not represent land in an un-serviced state.
- There should be no advantage to dedicating land vs. paying cash-in-lieu.
- The preservation and/or protection of green space are part of the solution to address the issues of climate change and global warming.
- Increase the requirement for dedicated lands from ten per cent to twelve per cent.

Image courtesy of Tourism Saskatchewan

Canola field in bloom, Community of Beechy

Conclusion

This summary report is a compilation of the public consultation process undertaken by GR from September 2005 to August 2006. The report has tried to fairly represent the input from stakeholders that attended meetings, open houses, and provided written commentaries.

The input collected throughout the process has guided the drafting of the proposed provisions for the new Planning and Development Act. Furthermore, this input will be valuable as planning legislation, policies and programs are developed to assist municipalities and citizens in building a sustainable future.

A Planning and Development Act Review Open House in Swift Current

Glossary of Terms

Notes:

- **This glossary is for information purposes only. For legal purposes, please consult the relevant provincial legislation.**
- **Words in these definitions which are in italics are defined elsewhere in this glossary.**

Approving authority: a municipality to whom the province has delegated the authority to approve the *subdivision* of land.

Area Transportation Planning Committees: committees established throughout the province by the provincial department of Highways and Transportation to provide advice on road networks.

Basic planning statement: a municipal bylaw that typically contains simple statements of community objectives for land use and development. Basic planning statements are usually less complex than development plans.

Cash-in-lieu: money that may be paid to the municipality instead of dedicating land for *municipal reserve*. The Dedicated Lands Regulations permit cash-in-lieu to be spent on the 'development and maintenance of existing municipal reserves'. Narrowly interpreted, this permits the development and maintenance of the land, not the buildings. Where the interpretation has been more liberal, 'maintenance' has commonly been interpreted as capital improvements, not routine maintenance.

Clearing the Path: an initiative of the *Saskatchewan Association of Rural Municipalities* and the *Saskatchewan Urban Municipalities Association*. Its goals include encouraging municipalities to work together to support economic development, streamline the development process, and create clear and consistent rules for developers.

Concept plan: a plan that identifies future land use and development patterns for an area. Concept plans provide more detail for a specific area than a *development plan*.

Contract zoning agreement: an agreement between a municipality and a developer to re-zone land to allow a specific development.

Development levies: fees that municipalities may charge to developers to recover the capital costs of new or upgraded services (e.g. water, sewer, roads, recreation). The fees are triggered by new development that occurs without *subdivision*.

Development plan: a municipal bylaw that contains policies to guide land use and community development. Development plans are typically more complex than *basic planning statements*.

Discretionary use: a use of land that may be approved at the discretion of the municipal council. This allows council to determine whether a proposed development is suitable for a particular area, and impose conditions on the development to ensure that it does not have a negative effect. Council's decision on a discretionary use application cannot be appealed. If council approves a discretionary use with conditions, the conditions may be appealed.

District Planning Commission: a group of individuals appointed by member municipalities to a planning district. Currently, commissions are advisory only and the final development decision-making authority rests with the municipality where the development proposal is located. Commissions can also conduct community studies and recommend bylaw development for the area involved. Some requests have been made for planning districts to have the option of becoming a corporate body. Corporate status would give member municipalities the option to voluntarily delegate certain planning decisions to the commission.

Hectarage assessments: fees that municipalities may charge to developers, through *servicing agreements*, to recover the capital costs of servicing a proposed *subdivision* (e.g. water, sewer, roads).

Heritage Conservation District: a district established under *The Heritage Property Act* to preserve and develop the characteristics of heritage property.

Inclusionary zoning: a planning tool that encourages or requires developers to provide affordable housing units as part of a development. It is not used in Saskatchewan. Municipalities may promote affordable housing through tax incentives and *planning bylaws*.

Interim development control: the ability of a municipality to require all development to be approved by council. It may be used when council is preparing new *planning bylaws* or conducting a major planning study. Municipalities that do not have any *planning bylaws* may adopt interim development control without provincial approval while they are preparing their first bylaws.

La Ronge Advisory Northern Planning Area: the Lac La Ronge area where an advisory northern planning commission was recently established to provide local input into land use and development issues. The commission includes representatives from the Lac La Ronge Indian Band, the Town of La Ronge, the Northern Village of Air Ronge and members at large from the surrounding developed areas.

La Ronge Integrated Land Use Management Plan: a provincial plan to manage the development and use of land and resources in the *La Ronge Advisory Northern Planning Area*.

Minister: the Minister of the provincial department of Government Relations.

Minor variance: a variance to the requirements of a *zoning bylaw*. Currently, municipalities may permit a maximum variance of 10 per cent, and the variance may apply only to the required distance between buildings, or between a building and a property line.

Municipal reserve: land that is dedicated to the municipality, during the *subdivision* process, for public use such as parks and recreation.

National Building Code: a set of standards that apply across Canada to the construction of buildings, including extensions, substantial alterations, buildings undergoing a change of occupancy, and upgrading of buildings to remove an unacceptable hazard.

New Deal: the federal "New Deal for Cities and Communities" funding agreement. The program emphasizes environmental sustainability, social and cultural development and economic development. Twenty per cent of New Deal funding is set aside for projects that produce a regional benefit.

Non-conforming building: a building that existed before a *zoning bylaw*, and does not comply with the bylaw. If a non-conforming building is severely damaged (75 per cent of its value above the foundation), the building cannot be replaced unless it can comply with the *zoning bylaw*. The intent of the Act was that over time, non-conforming buildings would be upgraded or replaced to meet current *planning bylaws*.

Non-conforming site: a site that existed before a *zoning bylaw* and whose size or dimensions, for example, do not comply with the bylaw.

Non-conforming use: a use of land that existed before a *zoning bylaw*, and does not comply with the bylaw. The Act permits the use to continue. If the use ceases for six months or more, it cannot resume. The intent of The Act was that over time, land uses would meet current *planning bylaws*.

Northern Saskatchewan Administration District: the area of northern Saskatchewan. The *Minister* acts as the mayor for the part of this area that is outside of the boundaries of a town, northern village or northern hamlet.

Planning bylaws: a *basic planning statement*, a *development plan*, a *zoning bylaw* or a *subdivision bylaw*.

Planning Districts (advisory): two or more municipalities that voluntarily enter into an agreement to address common planning and development issues. Member municipalities can appoint individuals to represent them on an advisory *district planning commission*.

Planning Districts (corporate): same structure as an advisory planning district; however, municipalities would have the option to voluntarily delegate specific planning duties to the commission or staff members e.g. similar to a municipality delegating development permit duties to the administrator.

Regional planning: is a mechanism that allows municipalities to share planning staff and other planning resources. It is not a mechanism that forces municipalities to amalgamate.

RM: rural municipality.

SARM: the Saskatchewan Association of Rural Municipalities, an organization that represents the interests of the rural municipalities in Saskatchewan.

Sector-specific planning: one of the recommendations from *Clearing the Path*. Sector-specific planning is municipalities working together to create common regulations and fees for each development sector throughout an area of the province.

Site plan control: the ability of a municipality to review and approve site plans for specific properties. For example, site plans may be required to show the orientation of a building and the site entrances and exits.

Servicing agreement: an agreement between a municipality and a developer to service a proposed *subdivision* (e.g. water, sewer, roads).

Subdivision: the legal division of land into lots or parcels that may be sold separately.

Subdivision bylaw: a bylaw adopted by an *approving authority* that provides standards for subdividing land.

SUMA: the Saskatchewan Urban Municipalities Association, an organization that represents the interests of the urban municipalities in Saskatchewan.

Surveyor: a Saskatchewan Land Surveyor.

The Cities Act: a Saskatchewan law that sets out how cities are governed and operated.

The Municipalities Act: a Saskatchewan law that sets out how rural municipalities, towns, villages and resort villages are governed and operated.

Safe Drinking Water Strategy: a comprehensive government plan of action designed to deal with the risks that affect drinking water and impact the health of Saskatchewan residents.

Transportation Association of Canada: a national association that promotes the provision of safe, efficient, effective and environmentally and financially sustainable transportation services.

Treaty Land Entitlement: a process by which the federal and provincial governments are fulfilling Treaty commitments of land made to First Nations and Métis Peoples.

Zoning bylaw: a municipal bylaw that divides a municipality into districts based on land use. Zoning bylaws typically contain lists of permitted, prohibited or *discretionary uses* for each district; development standards; and permit requirements.

Appendix 1

List of participants involved in consultations

Theme 1: Municipal Authority

October 17, 2005

Alan Appleby, Canadian Parks and Wilderness Society National Office
Jamie Blacklock, Saskatchewan Cattle Feeders Association
Ralph Boychuk, Saskatchewan Chamber of Commerce
Phil Enns, Dairy Farmers of Saskatchewan Inc.
Judi Fisher, Provincial Association of Resort Communities of Saskatchewan
Marilyn Gillis, National Farmers Union
Dale Harvey, Saskatchewan Association of Rural Municipalities
Bruce Hobin, Saskatchewan Institute of Agrologists
Cathy Holtslander, Beyond Factory Farm Coalition
Neil Ketilson and Mr. Ross Johnson, SaskPork
Ken Linnen, Regina and Region Home Builders' Association/ Saskatchewan Home Builders' Association
Garry Michael, Saskatchewan Parks & Recreation Association
Shelley Pavlovsky, City of Regina
Murray Purcell, Saskatchewan Council for Community Development
Michelle Sanson, City of Moose Jaw
Loren Sproat, Saskatchewan Chamber of Commerce
Tim Steuart, City of Saskatoon
Verona Thibault, Saskatchewan Economic Developers Association
Alan Thomarat, Saskatoon & Region Home Builders Association
Robert Thurmeier, Rural Municipal Administrators' Association of Saskatchewan
Mike Waschuk and Mr. Wes Jamieson, Saskatchewan Land Surveyors Association
Red Williams, Saskatchewan Agrivision Corporation
John Wolfenberg, Association of Professional Community Planners of Saskatchewan
Shelley Funk, Urban Administrators Association of Saskatchewan
Eleanor Bowie, Great Sand Hills Planning District Commission
Government Relations (GR) Staff: Ralph Leibel, Tim Cheesman, Len Kowalko, Laura Hartney, Carla Bing-Wo, Karen Bolton

Theme 2: Public Participation and Accountability

November 22, 2005

Neil Ketilson and Ross Johnson, SaskPork
Shelley Pavlovsky, City of Regina
Michelle Sanson, City of Moose Jaw
Colin Rosnes, Saskatchewan Abilities Council
Roger Mitchell, The Saskatchewan Association of Architects
Jason Dean, Saskatchewan Cattle Feeders Association
Eleanor Bowie, Great Sand Hills Planning District Commission
Sharon Pope, Wynyard Planning District/RM of Big Quill No. 308
John Wolfenberg, Association of Professional Community Planners of Saskatchewan
Donna Strudwick, Rural Municipal Administrators' Association of Saskatchewan
Dale Harvey, Saskatchewan Association of Rural Municipalities
Cam Baker, Saskatchewan Urban Municipalities Association
Murray Purcell, Saskatchewan Council for Community Development
Garry Michael, Saskatchewan Parks & Recreation Association
Phil Enns, Dairy Farmers of Saskatchewan Inc.
Red Williams, Saskatchewan Agrivision Corporation
Elaine Regier, National Farmers Union
Ken Linnen, Regina and Region Home Builders' Association
Larry McLeod, Saskatchewan Land Surveyors Association
Ken McKinlay, Saskatchewan Home Builders' Association
Alan Appleby, Canadian Parks and Wilderness Society National Office
Alan Wallace, City of Saskatoon
Audrey Horkoff, Action Committee on the Rural Economy
Government Relations (GR) Staff: Ralph Leibel, Tim Cheesman, Len Kowalko, Laura Hartney, Carla Bing-Wo, Karen Bolton

Theme 3: Inter-jurisdictional Planning
December 12, 2005

Alan Appleby, Canadian Parks and Wilderness Society National Office
Eleanor Bowie, Great Sand Hills Planning District Commission
Norm Campbell, Saskatchewan Parks & Recreation Association
Terry Crush, Federation of Saskatchewan Surface Rights Association
Laurel Feltin, Saskatchewan Association of Rural Municipalities
Shelley Funk, Urban Municipal Administrators Association of Saskatchewan
Marilyn Gillis, National Farmers Union
Bruce Hobin, Saskatchewan Institute of Agrologists
Cathy Holtslander, Beyond Factory Farming
Ross Johnson, SaskPork
Neil Ketilson, SaskPork
Bill Kruczko, Federation of Saskatchewan Surface Rights Association
Ken Linnen, Regina and Region Home Builders' Association
Ken McKinlay, Saskatchewan Home Builders' Association
Gene Ouellette, Saskatchewan Chamber of Commerce
Shelley Pavlovsky, City of Regina
Sharon Pope, Wynyard Planning District/RM of Big Quill No. 308
Terry Pugh, National Farmers Union
Murray Purcell, Saskatchewan Council for Community Development
Max Putnam, Saskatchewan Land Surveyors Association
Elaine Regier, National Farmers Union
Sandy Schorr, RM of Moosomin No. 121
Tim Steuart, City of Saskatoon
Lorne Sully, City of Saskatoon
Rob Thurmeier, Rural Municipal Administrators' Association of Saskatchewan
Government Relations (GR) Staff: Ralph Leibel, Len Kowalko, John Nanson, Laura Hartney, Carla Bing-Wo, Karen Bolton

Theme 4: Provincial Interests
January 24, 2006

Alan Appleby, Canadian Parks & Wilderness Society (CPAWS)
Rodney Audette, Urban Municipal Administrators Association of Saskatchewan
Eleanor Bowie, Great Sand Hills District Planning Commission
Terry Crush, Federation of Saskatchewan Surface Rights Association
Laurel Feltin, Saskatchewan Association of Rural Municipalities
Ross Johnson, SaskPork
Neil Ketilson, SaskPork
Bill Kruczko, Federation of Sask. Surface Rights Association
Ken Linnen, Regina & Region Homebuilders' Association
Dorothy MacAuley, Northern Affairs
Larry McLeod, Saskatchewan Land Surveyors Association
Garry Michael, Saskatchewan Parks & Recreation Association
Roger Mitchell, Saskatchewan Association of Architects
Terry Myers, Executive Council
Maureen Pedersen, Heritage Branch, Culture, Youth and Recreation
Lucy Pelletier, Cowessess First Nation
Lana Phillips, Community Resources and Employment
Murray Purcell, Saskatchewan Council for Community Development
Colin Rosnes, Moose Jaw Special Needs Advisory Board
Michelle Sanson, City of Moose Jaw
Joe Schommer, City of Regina
Sandy Schorr, RM of Moosomin
Tim Sterzer, Town of Balgonie
Rob Thurmeier, Rural Municipal Administrators' Association of Saskatchewan
Miles Vass, Surface Rights Association
Red Williams, Saskatchewan Agrivision Corporation
John Wolfenberg, Association of Professional Community Planners of Saskatchewan
Government Relations (GR) Staff: Ralph Leibel, Len Kowalko, Tim Cheesman, Laura Hartney, Carla Bing-Wo, .Karen Bolton

Stakeholders' Requests for Amendments
February 16, 2006

Alan Appleby, Canadian Parks & Wilderness Society
Jason Carlston, City of Regina
Twyla Carter, Town of Martensville

Terry Crush, Federation of Saskatchewan Surface Rights Association
Bob Dixon, City of Moose Jaw
Phil Enns, Dairy Farmers of Saskatchewan
Shelley Funk, Urban Municipal Administrators' Association of Saskatchewan
Marilyn Gillis, National Farmers Union
Bonnie Gorelitza, Town of Martensville
Bill Kruczko, Federation of Saskatchewan Surface Rights Association
Ken Linnen, Regina & Region Home Builders' Association
Jack Manning, City of Saskatoon
Ken McKinlay, Saskatchewan Home Builders' Association
Shelley Pavlovsky, City of Regina
Sharon Pope, Wynyard Planning District
Phil Ratzlaff, North Prairie Developments
Michelle Sanson, City of Moose Jaw
Joe Schommer, City of Regina
Sandy Schorr, RM of Moosomin
Tim Steuart, City of Saskatoon
Alan Thomarat, Saskatoon & Region Home Builders' Association
Brad Wiebe, Town of Warman
Red Williams, Saskatchewan Agrivision Corporation
John Wolfenberg, Association of Professional Community Planners of Saskatchewan
Government Relations (GR) Staff: Ralph Leibel, Len Kowalko, Laura Hartney

Theme 5: Subdivision

March 21, 2006

Paul Andre, Schandre Estates, Lumsden
Alan Appleby, Canadian Parks and Wilderness Society
Rod Audette, Urban Municipal Administrators Association of Saskatchewan
Cam Baker, SUMA
Barry Clark, Saskatchewan Land Surveyors Association
Jon Gillies, Association of Professional Engineers and Geoscientists
Dale Harvey, Saskatchewan Association of Rural Municipalities
Joseph Hnatiuk, Saskatchewan Nature and Ecotourism Association
Barry Johnson, City of Moose Jaw
Ross Johnson, Saskatchewan Pork Development Board
Ken McKinlay, Saskatchewan Home Builders Association
Larry McLeod, Saskatchewan Land Surveyors Association
Garry Michael, Saskatchewan Parks and Recreation Association
Dennis Nagel, Harvard Developments
Murray Purcell, Saskatchewan Association of Rural Municipalities
Alice Russell, Regina and Region Home Builders Association
Michelle Sanson, City of Moose Jaw
Ernie Schwartz, Regina and Region Home Builders Association (White City)
Joe Schommer, City of Regina
Sandy Schorr, RM of Moosomin No. 121
Donna Strudwick, Rural Municipal Administrators' Association of Saskatchewan
Lorne Tangjerd, Saskatchewan Agriculture and Food
Robert Thurmeier, Rural Municipal Administrators' Association of Saskatchewan
Miles Vass, Federation of Saskatchewan Surface Rights Association
Red Williams, Action Committee on the Rural Economy
John Wolfenberg, Association of Professional Community Planners of Saskatchewan
Government Relations (GR) staff: Len Kowalko, Tim Cheesman, Karen Bolton, Laura Hartney

Appendix 2

Questionnaire Results

These questionnaire results are reflected throughout this document alongside "What we Heard" for each theme areas. Note: technical terms found in this questionnaire can be found in the glossary.

THEME ONE: Municipal Authority

Municipal Authority - General

Consideration Should be given to:	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
• Maintaining local municipal authority for development decisions through the adoption of development plans, basic planning statements, and zoning bylaws.	74.47%	17.02%	6.38%	2.13%	0.00%
• Providing resources for communities who want to plan.	70.21%	27.66%	0.00%	2.13%	0.00%
• Providing assistance and training to municipal councils and staff to facilitate planning activities.	68.09%	17.02%	8.51%	6.38%	0.00%

Development Plans and Zoning Bylaws

Consideration Should be given to:	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
• Requiring municipalities to adopt development plans, basic planning statements and zoning bylaws.	40.43%	14.89%	19.15%	8.51%	17.02%
• Providing resources and incentives for planning to municipalities.	53.19%	36.17%	10.64%	0.00%	0.00%
• Encouraging municipalities to undertake a comprehensive review and update bylaws on a regular basis.	41.30%	39.13%	13.04%	4.35%	2.17%
• Expanding partnerships (municipal and planning associations, development industry, and government) to provide workshops and technical assistance on the development and application of planning bylaws (e.g. re-zoning, discretionary use, subdivision approvals, bylaw preparation).	34.04%	29.79%	12.77%	8.51%	14.89%
• Developing a strategy to address planning issues in the north.	32.61%	45.65%	19.57%	2.17%	0.00%

Discretionary Use

Consideration Should be given to:	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
• Allowing councils to develop criteria (in policy) to evaluate a discretionary use application.	51.06%	29.79%	10.64%	2.13%	6.38%
• Maintaining the existing process that allows for development conditions on discretionary use approvals to be appealed.	21.28%	44.68%	21.28%	12.77%	0.00%
• Allowing councils to exceed zoning bylaw standards to accommodate a discretionary use under unique conditions.	25.00%	35.42%	10.42%	22.92%	6.25%
• Allowing councils to relax zoning bylaw standards to accommodate a discretionary use under unique conditions.	10.42%	18.75%	20.83%	25.00%	25.00%
• Providing a termination clause on discretionary use projects that have never been initiated.	35.42%	33.33%	10.42%	4.17%	16.67%
• Providing approving authorities the ability to delegate certain (usually non-controversial) discretionary use decisions to the staff.	12.50%	18.75%	20.83%	22.92%	25.00%

Interim Development Control (IDC)

Consideration Should be given to:	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
• Providing minimum standards for IDC when a municipality does not have planning documents.	21.28%	40.43%	17.02%	6.38%	14.89%
• All IDCs should require provincial approval.	21.28%	17.02%	19.15%	23.40%	19.15%

Subdivision Approval and Minor Variances

Consideration Should be given to:	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
• Allowing approving authorities to have greater flexibility to determine development standards, provided they are consistent with Statements of Provincial Interest.	27.66%	38.30%	27.66%	4.26%	2.13%

Site Plans / Concept Plans

Consideration Should be given to:	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
• Providing municipalities, particularly approving authorities, with more planning tools (e.g. site plan control, concept plans).	52.17%	30.43%	15.22%	0.00%	2.17%

Non-Conforming Uses, Buildings and Sites

Consideration Should be given to:	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
• Providing municipalities more flexibility in managing non-conforming sites and buildings.	34.78%	39.13%	15.22%	6.52%	4.35%
• Allowing appeals for certain non-conforming buildings (e.g. additions, structural alterations).	28.89%	37.78%	17.78%	13.33%	2.22%
• Using the National Building Code to calculate whether a building has sustained damage of greater than 75% as set in The Act.	10.87%	41.30%	28.26%	15.22%	4.35%

Inclusionary Zoning

Consideration Should be given to:	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
• Using partnership initiatives (government and developers) to explore mechanisms to better provide affordable housing options in Saskatchewan communities.	33.33%	40.00%	22.22%	4.44%	0.00%

Bylaw Enforcement and Fines

Consideration Should be given to:	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
• Expanding the opportunities for bylaw enforcement (e.g. ticketable offences, posting a bond).	26.09%	63.04%	8.70%	0.00%	2.17%
• Looking for alternate ways to impose fines (e.g. adding fines to property taxes).	39.13%	43.48%	8.70%	2.17%	6.52%
• Making fines consistent with The Cities Act and The Municipalities Act.	19.57%	50.00%	13.04%	2.17%	15.22%

THEME TWO: Public Participation and Accountability

Public Consultation Process

Consideration Should be given to:	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
• Providing workshops to assist municipalities in dealing with public consultations processes (options for gaining public input, managing meetings, handling conflict).	27.66%	48.94%	17.02%	6.38%	0.00%
• Developing a Best Management Practices manual on public participation opportunities and process.	23.40%	42.55%	23.40%	10.64%	0.00%
• Establishing public participation policies consistent with The Cities Act or The Municipalities Act.	23.91%	28.26%	26.09%	4.35%	17.39%

Public Consultation and Planning Tools

Consideration Should be given to:	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
• Facilitating community development by encouraging, through incentives, the preparation of planning bylaws.	27.66%	38.30%	12.77%	12.77%	8.51%
• Ensuring the application of comprehensive and inclusive public consultation processes for planning and development issues in the North.	29.17%	29.17%	25.00%	2.08%	14.58%

Accountability

Consideration Should be given to:	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
• Providing mechanisms for mediation/dispute resolution processes outside of the Development Appeals Board (DAB) and/or Saskatchewan Municipal Board (SMB) process such as a municipal ombudsman.	16.67%	39.58%	14.58%	20.83%	8.33%
• Clarifying the criteria by which municipal councils make discretionary use decisions.	34.04%	44.68%	8.51%	8.51%	4.26%
• Clarifying the appeal criteria for subdivision and development appeals.	23.40%	61.70%	12.77%	2.13%	0.00%
• Allowing for fee increases that better represent the cost associated with appeals (consistent with The Municipalities Act and The Cities Act appeal fee structure).	19.15%	38.30%	25.53%	10.64%	6.38%
• Providing for and building capacity in District or Regional Development Appeals Boards as an alternative to local boards.	6.25%	35.42%	22.92%	18.75%	16.67%

THEME THREE: Inter-Jurisdictional Planning

Inter-Jurisdictional Cooperation and Partnerships

Consideration Should be given to:	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
• Enhancing planning district responsibilities to assist municipalities with building cooperative planning capacity.	21.28%	29.79%	27.66%	4.26%	17.02%
• Providing incentives for inter-municipal planning initiatives.	27.66%	38.30%	29.79%	4.26%	0.00%
• Encouraging a variety of economic opportunities to establish in rural Saskatchewan by providing improved services and infrastructure.	45.83%	33.33%	12.50%	4.17%	4.17%
• Developing a pilot project to demonstrate sector specific planning.	14.89%	34.04%	44.68%	2.13%	4.26%

Administrative Structure

Consideration Should be given to:	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
• Providing more flexibility for the operation of district planning commissions (e.g. delegate authority, create corporate entities, undertake sector specific planning, share servicing, etc.).	12.77%	36.17%	36.17%	8.51%	6.38%
• Permitting municipalities to delegate approving authority (e.g. development permits) to district planning commissions.	23.40%	38.30%	21.28%	10.64%	6.38%
• Programming to facilitate inter-municipal planning (resources, expertise).	23.40%	48.94%	19.15%	8.51%	0.00%

Planning with First Nations and Métis Peoples

Consideration Should be given to:	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
• Encouraging land-use planning partnerships between First Nations and Métis Peoples and municipalities.	34.04%	44.68%	17.02%	4.26%	0.00%
• Encouraging the federal government to provide funding to support partnerships between municipalities and First Nations and Métis Peoples, and to promote land use compatibility.	36.17%	40.43%	19.15%	4.26%	0.00%
• Preparing guidelines to assist partnership arrangements between First Nations and Métis Peoples and municipalities.	36.17%	34.04%	6.38%	8.51%	14.89%

THEME FOUR: Provincial Interests

Guiding Principles

Consideration Should be given to:	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
• Making development decisions with regard to a consistent set of basic planning principles, such as shared responsibility, public participation, and balance of interests.	23.40%	40.43%	14.89%	6.38%	14.89%

Intent and Implementation of Statements of Provincial Interest

Consideration Should be given to:	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
• Ensuring that municipalities and the province are consistent with provincial interests in land use planning.	21.28%	29.79%	19.15%	19.15%	10.64%
• Clarifying provincial and municipal authority, through provincial interests, for resource use and protection.	27.66%	29.79%	19.15%	8.51%	14.89%
• Working with government departments, agencies and municipalities to determine the most appropriate implementation mechanisms for provincial interests.	17.02%	40.43%	19.15%	6.38%	17.02%
• Allowing approving authorities the responsibility for ensuring that their planning documents are consistent with provincial interests.	19.15%	27.66%	14.89%	21.28%	17.02%
• Providing for dispute resolution mechanisms through mediation/ arbitration where there is a conflict over regard for provincial interests.	29.79%	42.55%	10.64%	0.00%	17.02%

General Goals for Provincial Interest

Consideration Should be given to:	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
• Ensuring that public input is considered in the development of SPIs including: Land Use / Settlement, Housing, Transportation, Infrastructure, Agriculture, Biodiversity and Environmentally Significant and Sensitive Areas, Cultural Heritage and Archaeological Resources, Forests, Minerals, Petroleum and Natural Gas, Water, Recreation, Natural and Human-made Hazards, and Source Water Protection.	39.58%	50.00%	8.33%	0.00%	2.08%

THEME FIVE: Subdivision

Subdivision Processes

Consideration Should be given to:	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
• Reviewing the Subdivision Regulations to ensure compatibility with government and industry standards and provincial interests.	29.79%	40.43%	12.77%	10.64%	6.38%
• Establishing a forum for approving authorities to review subdivision processes.	12.77%	44.68%	23.40%	6.38%	12.77%
• Reviewing the provincial subdivision process to examine the opportunities for streamlining.	12.77%	44.68%	19.15%	6.38%	17.02%
• Clarifying where subdivision approval is required (e.g. leases, easements).	29.79%	34.04%	19.15%	0.00%	17.02%

Subdivision Approving Authority

Consideration Should be given to:	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
• Approaching qualified municipalities to discuss the option of granting approving authority.	36.96%	30.43%	26.09%	6.52%	0.00%
• Ensuring northern subdivisions are coordinated between departments and municipalities.	21.74%	30.43%	26.09%	6.52%	15.22%

Development Levies, Servicing Agreements & Municipal Reserve

Consideration Should be given to:	Strongly Agree	Agree	Neutral	Disagree	Strongly Disagree
• Reviewing the criteria around development levies, servicing fees, and cash-in-lieu as mechanisms to adequately provide specific services.	23.40%	55.32%	17.02%	4.26%	0.00%
• Providing flexibility and clarity on the use of municipal reserve funds, development levies and servicing agreement fees.	31.91%	48.94%	17.02%	2.13%	0.00%
• Clarifying how municipal reserve lands can be used.	34.04%	55.32%	4.26%	6.38%	0.00%
• Providing focused training and educational material for councils on the requirements for and use of development levies, servicing agreements, and municipal reserve.	38.30%	42.55%	14.89%	4.26%	0.00%